Supreme Court, U.S.
FILED

05-517 AUG 22 2005

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No._____

IN THE

Supreme Court of the United States

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Terri Pedroza
Petitioner,
-V-

Cintas Corporation; the United States District Court of the Western District of Missouri Southern Division; the United States Court of Appeals for the Eighth Circuit; and O'Reilly and Jensen L.L.C.
Respondents.

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On petition for Writ of Certiorari to the United States Court

of Appeals for the Eighth Circuit

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# PETITION FOR WRIT OF CERTIORARI

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Terri Pedroza

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## QUESTIONS PRESENTED

1. Were the lower courts in error, under Section 703 (a)(1) of the Title VII, to dismiss the petitioner's sexual harassment claim? This states that any unwelcomed sexual behavior that creates a hostile work environment, discriminatory intimidation, and ridicule would be catagorized as sexual harassment. It also states that verbal or physical conduct of a sexual nature constitute sexual harassment when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.

2. Was it an error for the lower courts to overlook and dismiss statements made by key witnesses in the petitioner's original case? There were many witnesses to the harassment, including coworkers and supervisors, however, the courts chose to dismiss this evidence.

3. Were the lower courts in error under Title VII section V (C)(3), when they overlooked the fact that Cintas corporation

## QUESTIONS PRESENTED–CONT.

did not reasonably execute their duties required by the EEOC to investigate any and all claims of sexual harassment? Although the petitioner made several complaints, most of them were ignored or not taken seriously.

4. Was it a breech of contract for the petitioner's legal representation to ignore her requests; and make important decisions without informing her first? The petitioner's lawyer did not appeal on any motions to dismiss any evidence or file a complaint with the state of Missouri even though the petitioner requested these things. Another example is that in her brief opposing summary judgment, her representation chose to abandon her religious discrimination claim, however the petitioner never approved this.

5. Was it an error, under 28 U.S.C. §1291, for the lower courts to allow Judge Dorr and Eric Jensen to work the same case, even though they were former associates?

## LIST OF PARTIES

(√) All parties appear in the caption of the cover page.

**Petitioner below:**

Terri Pedroza

**Respondents below:**

Cintas Corporation; The United States District Court of the Western District of Missouri Southern Division; The United States Court of Appeals for the Eighth Circuit; and O'Reilly and Jensen L.L.C.

## TABLE OF CONTENTS


| | |
|---|---|
| Opinions Below | 1 |
| Jurisdiction | 2 |
| Constitutional and Statutory Provisions Involved | 2 |
| Statement of the Case | 8 |
| Reasons for Granting the Petition | 11 |
| Conclusion | 24 |
| Proof of Service | 25 |

## TABLE OF AUTHORITIES CITED


| CASES | PAGE NUMBER |
|---|---|
| Burns v. McGregor Electronic Industries, Inc., 989 F.2d 959, 962 n.3 (8th Cir. 1993) | 22 |
| Davis v. Coastal International Security, Inc., 275F.3d 1119, 1121 (D.C. Cir. 2002) | 14 |
| Duncan v. General Motors Corp., 300 F.3d 928 (8th Cir. 2002) cert.denied, 2003 WL 447149 (Apr. 21, 2003) | 21 |
| English v. Pohanka of Chantilly., 190 F. Supp .2d 833, 836 (E.D. V. 2002) | 14 |
| Faragher v. City of Boca Raton, 524 U.S. 775, 787, 118S.Ct. 2275, 2283, 141 L.Ed.2d 663 (1198) | 21 |
| Greenway v. Buffalo Hilton Hotel, 143 F.3d 47, 52 (2nd Cir. 1998) | 19 |
| Harris v. Forklift Sys., Inc., 510 U.S. 17, 21, 114 S.Ct. 367, 370, 126 L.Ed.2d 295 (1993) | 20 |

Jackson v. Brigle, 19

17 F.3d 280, 282 (9th Cir.) Cert.denied, 513 U.S. 868 115 S.Ct. 187, 130 L.Ed.2d 121 (1994).

Johnson v. Hondo, Inc., 14

125 F.3d 408, 410 (7th Cir. 1997).

Oncale v. Sundowner Offshore Services, Inc., 13

523 U.S. 75, 80-81, 118 S. Ct. 998, 1002, 140 L.Ed.2d 201 (1998)

O'Rourke v. City of Providence, 21

235 F.3d 713, 730 (1st Cir. 2001).

Philips v. Collings, 19

256 F.3d 843, 846 (8th Cir. 2001)

Quick v. Donaldson Co., Inc., 17

90 F.3d 1372, 1376-77 (8th Cir. 1999) (emphasis added)

Scusa v. Nestle U.S.A. Co., Inc., 12

181 F.3d 965 (8th Cir. 1999)

Shepherd v.Slater Steels Corp., 13

168 F.3d 998, 1009 (7th Cir. 1999)

STATUTES AND RULES


| | |
|---|---|
| Title 28 U.S.C. §1291 | ii |
| Title 28 U.S.C. § 1443 (2005) | 7 |
| Title 29 U.S.C. §215 (a)(3) (2004) | 3 |
| Title 42 U.S.C. §1981 (a) (2005) | 4 |
| Title 42 U.S.C. § 1981 (b) (2005) | 5 |
| Title 42 U.S.C. §1983 | 3 |
| U.S. const. amend. XIV | 2 |


OTHER

Plaintiff Terri Pedroza brought a complaint against Defendant Cintas Corporation for violation of her employment rights pursuant to 42 U.S.C. § 2000e et seq. (Title VII) and Missouri Human Rights Act ("MHRA") RSMO. 213.010

Jurisdiction and venue were proper in the United States District Court for the Western District of Missouri pursuant to Title 28 U.S.C. § 1331; 28 U.S.C. § 1367; and 28 U.S.C. §1391, because a federal question was involved and the acts complained of occurred within the judicial district.

IN THE

SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

The petitioner respectfully prays that the court issue a writ of Certiorari to review a judgement of the United States Court of Appeals for the Eighth Circuit.

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**OPINIONS BELOW**

[√] For cases from **federal courts:**

The opinion of the United States Court of Appeals appears at Appendix _A_ to the petition and is

[ ] reported at ____ or,

[ ] has been designated for publication but is not yet reported; or

[ ] is unpublished.

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## JURISDICTION

[√] For cases from **federal courts**:

The court of appeals opinion and judgement issued on January 9, 2003. An extension of time to file the petition for a writ of certiorari was granted to and including August 29, 2005. On June 9, 2005 in Application No. 04A1036. The jurisdiction of this court is invoked under 28 U.S.C. § 1254(1).

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## CONSTITUTIONAL PROVISIONS STATUTES INVOLVED IN THE CASE

In pertinent part, U.S. const. amend. XIV provides:

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of

> citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without the process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

In pertinent part, Title 29 U.S.C. §215 (a)(3) (2004) provides:

> [to] discharge or in any other manner discriminate against my employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this chapter, or has testified or is about to testify in any such proceedings, or has served or is about to serve on an industry committee.

In pertinent part, Title 42 U.S.C. §1983 provides:

> Every person who, under color of any statutes, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights,

privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redness, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

In pertinent part, Title 42 U.S.C. §1981 (a) (2005) provides:

(1) Civil Rights

In an action brought by a complaining party under section 706 or 717 of the Civil Rights Act of 1964 [42 U.S.C. 2000e–5, 2000e–16] against a respondent who engaged in unlawful intentional discrimination (not an employment practice that is unlawful because of its